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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/684,044 | 10/06/2000 | Eilaz Babaev | 24149-11 | 3047 |

7590 10/01/2002

George Likourezos
Carter Deluca Farrell & Schmidt LLP
445 Broad Hollow Road
Suite 225
Melville, NY 11747

EXAMINER

THOMPSON, MICHAEL M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3763

DATE MAILED: 10/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------|---|--|
| Office Action Summary | Application No. 09/684,044 | Applicant(s) BABAEV, EILAZ Ch | |
| | Examiner Michael M. Thompson | Art Unit 3763 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-43 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species and sub-species of the claimed invention:

Species:

- | | | | |
|---------------|------------------|----------------|---------------|
| 1. Figure 1; | 2. Figure 2a ; | 3. Figure 2b ; | 4. Figure 2c; |
| 5. Figure 2d; | 6. Figures 4a-c; | | |

Upon election of a single species listed above Applicant is required to elect one of the sub-species from **each** of the following **five** sub-species below:

Sub-Species 1: (further select one of)

- | | |
|---------------|---------------|
| A. Figure 3a; | B. Figure 3b; |
|---------------|---------------|

Sub-Species 2: (further select one of)

- | | | | |
|----------------|----------------|----------------|----------------|
| AA. Figure 5a; | BB. Figure 5b; | CC. Figure 5c; | DD. Figure 6 ; |
|----------------|----------------|----------------|----------------|

Sub-Species 3: (further select one of)

- | | | | |
|---------------|---------------|---------------|---------------|
| a. Figure 8a; | b. Figure 8b; | c. Figure 8c; | d. Figure 8d; |
| e. Figure 8e; | f. Figure 8f; | | |

Sub-Species 4: (further select one of)

- | | | | |
|----------------|----------------|----------------|----------------|
| aa. Figure 9a; | bb. Figure 9b; | cc. Figure 9c; | dd. Figure 9d; |
| ee. Figure 9e; | ff. Figure 9f; | | |

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Sub-Species 5: (further select one of)

S. Figure 10a; T. Figure 10b; U. Figure 10c; V. Figure 10d;
W. Figure 10e; X. Figure 10f; Y. Figure 10g; Z. Figure 10h;

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species and one of each sub-species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.

Applicant is advised that a reply to this requirement must include an identification of the species and each of the five subsequent sub-species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species and/or sub-species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species and the five indicated sub-species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species and/or sub-species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species and/or sub-species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Contacts

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Michael Thompson whose telephone number is (703) 305-1619. The Examiner can normally be reached on Monday through Friday from 9 am to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Primary, AnhTuan Nguyen, can be reached on (703) 308-2154. The official fax phone number for submissions to the organization where this application or proceeding is assigned is (703) 872-9302. The official fax phone number for submission of After Final response is (703) 872-9303.


Michael M. Thompson

Patent Examiner

MT



September 26, 2002


ANH TUAN T. NGUYEN
PRIMARY EXAMINER

9/27/02